

Sim Gill (USB# 6389)
DISTRICT ATTORNEY FOR SALT LAKE COUNTY
Neil R. Sarin (USB# 9248) nsarin@slco.org
Jennifer Bailey (USB# 14121) jenbailey@slco.org
Deputy District Attorneys
Salt Lake County District Attorney's Office
2001 South State Street, Room S3-600
Salt Lake City, Utah 84190
Telephone: 385.468.7700
Facsimile: 385.468.7800
Attorneys for Defendants Sim Gill, Ben McAdams and Rolen Yoshinaga

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Russell G. Greer, et al. Plaintiffs, v. Gary R. Herbert, et al. Defendants.	SALT LAKE COUNTY DEFENDANTS' SUPPLEMENTAL MEMORANDUM RE: FACIAL VS. AS-APPLIED CONSTITUTIONAL CHALLENGES AND JOINDER IN STATE DEFENDANTS' SUPPLEMENTAL MEMORANDUM Case No. 2:16-cv-01067 Magistrate Judge: Dustin B. Pead
---	---

Defendants Sim Gill, Ben McAdams and Rolen Yoshinaga (collectively "County Defendants"), by and through their undersigned counsel, and pursuant to Magistrate Judge Dustin B. Pead's April 21, 2017 Ruling & Order (Docket No. 34) submit the following Supplemental Brief re: Facial vs. As-Applied Constitutional Challenges.

The County Defendants moved to dismiss the claims on numerous grounds, including by adoption of the arguments raised in the motion to dismiss filed by the State Defendants and the

City Defendants concerning the constitutionality of Utah’s laws criminalizing prostitution. *See* County’s Motion to Dismiss (Docket No. 18). The County Defendants also adopt the arguments advanced in the Supplemental Memorandum Regarding Facial and As-Applied Challenges (“Supplemental Memorandum”) filed by the Defendants Governor Gary R. Herbert, Attorney General Sean D. Reyes, and Kathy Berg, Division Director of the Divisions of Corporation and Commercial Code (collectively, the “State Defendants”) (Docket No. 36). The County Defendants hereby join in the points and authorities raised in the Supplemental Memorandum in support of the State Defendants’ Motion. *See* DUCivR 7-1(a)(4) and Fed R. Civ P. 10(c).

Based on these arguments, Plaintiffs’ complaint should be dismissed against the County Defendants as a matter of law.

Respectfully submitted this 5th day of May 2017.

SIM GILL
Salt Lake County District Attorney

/s/ NEIL R. SARIN
NEIL R. SARIN
JENNIFER BAILEY
Deputy District Attorney
*Attorney for Defendants Sim Gill, Ben McAdams
and Rolen Yoshinaga*

CERTIFICATE OF SERVICE

I certify that on this 5th day of May, 2017 a true and correct copy of the foregoing Salt Lake County Defendants' Supplemental Memorandum Re: Facial vs. As-Applied Constitutional Challenges and Joinder in State Defendants' Supplemental Memorandum was electronically filed with the Clerk of Court using the CM/ECF system and mailed to the following:

David N. Wolf
Gregory M. Soderberg
UTAH ATTORNEY GENERAL'S OFFICE
P.O. Box 140856
160 East 300 South, 6th Floor
Salt Lake City, UT 84114-0856
Attorney for Defendants Gary Herbert, Sean D. Reyes, and Kathy Berg

Catherine L. Brabson
SALT LAKE CITY CORPORATION
P.O. Box 145478
451 South State Street, Suite 505A
Salt Lake City, Utah 84114-5478
Attorney for Defendants Jackie Biskupski and James Allred

Was sent by e-mail and first class mail, postage prepaid, to the following:

Russell Greer
1450 South West Temple, Apt. D206
Salt Lake City, UT 84115
russmark@gmail.com
Pro Se

/s/ Iris Pittman
Paralegal